

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY CASSANO,

No. C 12-05144 WHA

Plaintiff,

v.

M. JOHNSON and W. ROGERS,

Defendants.

**ORDER GRANTING MOTION  
FOR SUMMARY JUDGMENT;  
VACATING HEARING; AND  
REQUESTING STATUS REPORT**

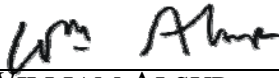
This is a Section 1983 action alleging violations of plaintiff Gary Cassano's Eighth Amendment rights. Cassano is a California state prison inmate who alleges that defendant M. Johnson, a non-incarcerated kitchen employee, kicked a steel kitchen door that hit Cassano in the head. Cassano further alleges that defendant W. Rogers, a supervising cook at Cassano's correctional facility, failed to separate and protect him from Johnson.

Now, Rogers seeks summary judgment on Cassano's remaining claim as to him — that Rogers was deliberately indifferent to Cassano's safety (Dkt. No. 57). In response, Cassano's counsel have filed a statement of non-opposition: "Based upon *Babcock vs. White*, 102 F.3d 267 (7th Cir. 1996), [p]laintiff Gary Cassano does not oppose W. Roger's Motion for Summary Judgment" (Dkt. No. 66). Rogers' motion for summary judgment is therefore **GRANTED**. The hearing previously set for November 20, 2014, is hereby **VACATED**.

1 This leaves Johnson as the remaining defendant here. As such, Johnson's counsel will  
2 submit a status report indicating whether his case can be resolved by summary judgment or by  
3 some other dispositive motion. This status report is due by **4 PM ON NOVEMBER 18, 2014.**

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5 **IT IS SO ORDERED.**

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7 Dated: November 4, 2014.

  
8 WILLIAM ALSUP  
9 UNITED STATES DISTRICT JUDGE  
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